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NO. _____

In the Supreme Court of the United States

_____

October Term

_____

FARRELL BEALS
In Propria Persona

Petitioner/Appellant,

vs.

CITY OF THATCHER, ARIZONA
SETH ALLEN, City Magistrate

Respondent/Appellee.

_____

ON WRIT OF CERTIORARI TO

THE UNITED STATES COURT OF APPEALS
NINTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

_____

_____

FARRELL BEALS
IN PROPRIA PERSONA
c/o P. O. Box 1
Pima, Arizona 85543
(602) 485-2367

BEST AVAIL

QUESTIONS PRESENTED FOR REVIEW

Does absolute judicial immunity extend to a judge of a court of special and limited jurisdiction performing a ministerial act based on an excess of jurisdiction when no such immunity existed at the common law, and the party claiming the immunity has demonstrated no basis for the entitlement and no exceptional situation justifying the creation of a new category of immunity?

Does a 42 USC 1983 suit qualify as frivolous, unreasonable, and without foundation for purposes of granting attorney's fees when there has been reasonable reliance upon the absence of a common law immunity for a judge of a court of special and limited jurisdiction?

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CONSTITUTIONAL PROVISIONS, TREATIES

AND STATUTES

"In all criminal prosecutions, the accused shall enjoy the right to...have Assistance of Counsel for his defense." U.S. Constitution, Amendment VI. . . 14

"Every person who, under color of any statute, ordinance, regulation, Custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other persons within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by Constitution and laws, shall be liable to the person injured in an action at law, suit in equity, or other proper proceedings for redress." 42 USC 1983. . . . . 2, 3, 4, 6

"In any action to enforce any provision of Sections 1981, 1983, 1985 and 1986 of this title...the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs." 42 USC 1988. . . . . 2, 3, 4, 6, ... 14, 15, 16

"The State shall respect the rights of the individual and the principles of universal morality. OAS Treaty, Chapter III, Art. 13. . . . . 2, 14

"No person may be deprived of liberty except in the cases and according to the procedures established by pre-existing law." OAS Declaration of the Rights and Duties of Man, Chapter 1, Art. XXV.
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REFERENCE TO OFFICIAL REPORTS

Farrell Beals v. Seth Allen and the Town of Thatcher, Nos. 91-16818, 92-15724

STATEMENT OF JURISDICTION

Date of Judgment

The judgment of the Court of Appeals sought to be reviewed is dated December 21, 1992, and the judgment was filed with the Clerk of the Court on December 28, 1992.

Dddate of Rehearing Order

Petitioner's Motion for Rehearing was entered on March 1, 1993.

Statutory provision to review the judgment by Writ of Certiorari is 28 USC 1254(1)

APPENDIX A

United States District Court's Judgment entered in favor of the defendants and against the plaintiff..... A-1

United States District Court's Amended Judgment entered in favor of the defendants and against the plaintiff..... A-2

Memorandum issued by Court of Appeals for the Ninth Circuit affirming the District Court's findings..... A-3

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IN THE SUPREME COURT OF THE UNITED STATES

Farrell Beals,

Petitioner,

vs.

City of Thatcher,
Seth Allen,

Respondents.

Petition for Writ of Certiorari
On Petition for Review from the Ninth
Circuit Court of Appeals,
Arizona District

TO the honorable William Rehnquist, Chief Justice, and Associate Justices of the Supreme Court of the United States.

Farrell Beals, the Petitioner herein, prays that a Writ of Certiorari issue to review the judgment of the Court of Appeals entered in the above entitled case on December 28, 1992, and affirmed on a Motion For Rehearing on March 1, 1993, dismissing Appeals No. 91-16818, 92-15724, DC #CIV-91-00012-ACM, Arizona.

STATEMENT OF THE CASE

Petitioner filed a civil rights complaint under 42 USC 1983, alleging violations of civil rights by the City of Thatcher, Arizona and City Magistrate Seth Allen denying Petitioner the right to have appointed counsel at his trial when he could not afford counsel.

Prior to the municipal court trial, Petitioner made a written demand for counsel, together with a declaration of indigence stating his inability to acquire counsel due to a lack of funds. This demand was repeated at trial.

Without representation of counsel, Petitioner was forced to trial and was found guilty of driving on a suspended license. He was sentenced to ten days imprisonment and was imprisoned for the ten days under color of laws and statutes of the State of Arizona in violation of

his right to counsel.

Thereafter, a civil rights complaint was timely filed in federal district Court in Tucson, Arizona against Respondents. Application by respondents for summary judgment and attorney fees in the amount of $6,554.32 was granted and Petitioner appealed. The district court made no findings of fact about the complaint, whether frivolous, unreasonable or without foundation, and Petitioner's ability to pay the fee award.

The Court of Appeals for the Ninth Circuit upheld the grant of summary judgment and the fee award, finding that judges acting in their judicial capacity are immune from Section 1983 liability Petitioner's action was without foundation. A Motion for Rehearing was rejected on March 1, 1993.

LEGAL ARGUMENT

Introduction

The question of whether a judge of a court of special and limited jurisdiction is entitled to immunity in a section 1983 action for damages has apparently never been submitted to this court and consequently no decision rendered.

Immunity has been considered in a variety of situations ranging from absolute judicial immunity, to qualified immunity, to no immunity. It has been well settled that a judge of a court of general jurisdiction, Bradley v. Fisher 20 L.Ed. 646; Stump v. Sparkman, 435 U.S. 349 is entitled to absolute immunity when acting in the course and scope of his judicial capacity and a prosecutor is entitled to a similar immunity. Imbler v. Patchman, 424 U.S. 409. The immunity question has been considered for

legislators, Tenny v. Brandhove, 341 U.S. 347 witnesses, Briscoe v. Lahue, 75 L.Ed 2d 96 regional officials, Lake Country Estates v. Tahoe Regional Planning Agency, 440 U.S. 391 policemen, and other executive officials, Scheuer v. Rhodes, 40 L.Ed. 2d 232 school boards Wood v. Strickland, 420 U.S. 308 prison officials Procunier v. Navarette, 434 U.S. 555 government entities, Monell v. Department of Social Services, 435 U.S. 658 cities and towns, Owen v. City of Independence, 445 U.S. 622 and court martial officers Wise v. Withers, 2 L.Ed, 457.

In the case of Pulliam v. Allen, 80 L.Ed. 2d 565, it was found that judicial immunity was not a bar to both prospective injunctive relief and to an award of attorney fees against an inferior magistrate. However, the issue of a damages award was not raised.

COMMON LAW IMMUNITY

The immunity defense available to a defendant in a Title 42 USC 1983 action is that which existed at the common law. Tenny v. Brandhove, 341 U.S. 367. At the common law, the judicial officer in a court of special and limited jurisdiction was liable for his acts committed in want of or in excess of jurisdiction.

> "Any malicious or tyrannical abuse of their office (Justice of the Peace) is sure to be severely punished, and all persons who recover a verdict against a justice, for any willful or malicious injury, are entitled to double costs."
> 1 Blackstone Commentaries 342.

That the respondent's municipal court is a court of special and limited jurisdiction is made clear in Jones v. State, 247 NW 445 and municipal defenses are controlled by federal law. Fitzpatrick v. Bitzer, 49 L.Ed 2d 614.

Exceeding the grant of a special and

limited jurisdiction has been held by this court to result in liability for the officer thereof, Wise v. Withers, 2 L.Ed. 457. This liability for exceeding jurisdiction is contrasted with the bar to liability granted a court of general jurisdiction even to the ordering of a hysterectomy on a minor child on petition by the mother, Stump v. Sparkman, 435 U.S. 349, when there was no statute authorizing it.

No presumption exists in favor of the jurisdiction of a court of special and limited jurisdiction. It is a creature of statute.

> "Where a court of limited and inferior jurisdiction acts without authority, or exceeds the authority conferred upon it, the court, the parties, and the officers who execute the decision are all trespassers." Barkeloo v. Randall, 4 Blackford 476 (Indiana 1838)

At the common law, the act of

imprisoning a person was a ministerial and not a judicial act. In Allen v. Gray, 11 Conn. 95 for instance, Gray, a Justice of the Peace was found liable for issuing a warrant of arrest for Allen based upon a complaint filed by a grand juror charging Allen with improperly voting in an ecclesiastical society. Allen was held to have acted ministerially in issuing a warrant of arrest and that even though a Justice of the Peace, had jurisdiction over the offense and process, he had no jurisdiction over the case.

In Laroe v. Rosser, 8 Mich. 542, Rosser, a Justice of the Peace was charged with trespass for committing Laroe to jail for an indefinite period of time when the judgment was for ten days and the statute specified a maximum of three months. Rosser was found liable

for acting in excess of jurisdiction.

Once counsel had been improperly denied and petitioner deprived of counsel at his trial, Respondent Allen was without authority to issue a sentence of imprisonment no matter how brief the period. Argersinger v. Hamlin, 32 L. Ed. 2d 530. A conviction of someone who did not effectively waive his right to counsel is void as having been rendered without jurisdiction. Johnson v. Zerbst, 82 L.Ed. 1461. The jurisdiction to direct a deprivation of liberty without due process of law does not appear upon the face of any record nor state, nor could it since it does not exist.

When respondent Allen handed down his sentence of imprisonment, he was acting in all absence of his jurisdiction under Johnson, and the act of issuing an order of commitment was a ministerial act

for which judicial immunity is not available.

QUALIFIED IMMUNITY

Respondents are claiming absolute immunity for a ministerial act without demonstrating an exceptional situation justifying a new category. In Scheuer v. Rhodes, this court recognized that congress did not broaden an immunity defense not existing at the common law. The Court of Appeals, in effect, carved out a new defense where none previously existed and did not require that any justifying circumstances be demonstrated. An official having a job to which absolute immunity attached ordinarily was not protected when carrying out a non-judicial act. Police officers whose actions may result in an unlawful deprivation of liberty are entitled only to a qualified immunity Scheuer v.

Rhodes, infra.

The summary judgment test today for a qualified immunity is the objective good faith of the party claiming the immunity. He can assert the immunity defense only if the conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known, Harlow v. Fitzgerald, 73 L.Ed. 2d 396.

Officials are presumed to know the law which they administer, Bothke v. Flour Engineers, 713 F. 2d 1405. The right not to be deprived of liberty without representation of counsel is plainly enumerated in the sixth amendment. Miranda requires every defendant to be advised of this right. Miranda, Argersinger and its progeny make a very sizeable body of law which cannot be reasonably ignored. Allen could have

BEST AVA

merely issued a fine and been entirely within his jurisdiction, Scott v. Illinois, 440 U.S. 367.

That there was a distinction between the immunity at the common law granted to Courts of general and those of limited jurisdiction has been demonstrated. A qualified immunity defense could be available as a defense for a wrongful ministerial act. Nevertheless, Respondents have not attempted to demonstrate circumstances justifying such an immunity.

Johnson places respondent Allen in the position of acting without jurisdiction at the sentencing stage. Argersinger places him in the position of acting without jurisdiction at the commitment stage. The common law identifies the act of commitment as ministerial and renders liable a judge

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who imprisons wrongfully.

The burden of proof for an immunity defense is upon the party claiming it, and such a party is required to demonstrate the analogous entitlement which existed at the common law, Burns v. Reed, 114 L.Ed 2d 547. The Court of Appeals decision in this case places upon Petitioner the burden of disproving the immunity defense.

CONFLICTING DECISIONS

The Court of Appeals decision finding Petitioner's 1983 action to be without foundation is in conflict with the holding of this Court in Scheuer v. Rhodes, and Tenny v. Brandhove, infra, these two cases found as a threshold consideration, that congress did not intend to enlarge upon the immunity granted officials at the common law; and secondly, that the scope of immunity

available is dependent upon the range of discretion and responsibilities of office. The less discretion and responsibility given an official, the less the shield of immunity has been afforded. In this case, there is a clearly established constitutional right protecting petitioner's right to have counsel present at his trial, U.S. Constitution, Amendment 6; Argersinger v. Hamlin, infra; Johnson v. Zerbst, infra, OAS TREATY, Chapter III, Article 13.

ATTORNEY FEES

In finding that Petitioner's suit was without foundation, neither the district court, nor the Court of Appeals considered: 1) Petitioner's: 1. reliance upon the lack of common law immunity for judge of inferior courts; 2. That the question presented is one of first impression; 3) The limited range of

discretion and responsibility for an inferior court and 4) whether the act of commitment to jail was judicial or ministerial.

The general rule regarding attorney fees in the United States is that each party pay their own fees unless there is legislation providing otherwise, Christiansburg Garment Co. v. E.E.O.C., 54 L.Ed. 2d 648. Title 42 USC 1983 provides for the award of attorney fees as part of cost if the underlying claim is groundless. The burden of alleging and demonstrating the want of merit is upon the party making the fee application. Respondent's proof would of necessity include the common law authority declaring the grant of absolute immunity to judges of inferior courts, and failing this proof of the broad range of discretion and authority for the

Thatcher Municipal Court.

CONCLUSION AND REQUEST FOR RELIEF

Respondent Allen violated Petitioner's clearly established right to assistance of counsel. In denying Petitioner's claim, the Court of Appeals decision turned on judicial immunity. Yet, at the common law no immunity existed for acts which were either ministerial or in excess of jurisdiction and the application of a qualified immunity was not considered by the court.

Petitioner moves that the award of summary judgment and attorney fees be overturned for a want of immunity and the existence of material triable issues of fact arising from the violation of Petitioner's right to assistance of counsel.

Respectfully submitted

Farrell Beals

Farrell Beals

APPENDIX A

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

FARRELL BEALS,

Plaintiff,

V.

SETH ALLEN and
THE TOWN OF THATCHER,

Defendants.

JUDGMENT IN A CIVIL CASE

Case No. CIV-91-012-GLO-ACM

|_| Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

|X| Decision by Court. This action came on for consideration before the Court. The issues have been considered and a decision has been rendered.

IT IS ORDER AND ADJUDGED defendant's motion for summary judgment is granted.

Plaintiff's motion for partial summary judgment is denied.

Judgment is entered in favor of the defendants and against the plaintiff.

October 17, 1991
Date

RICHARD H. WEARE
Clerk

cc: SURRANO, BEALS, ACM, J/B

/s/ Renee Ludeke
(By) Deputy Clerk, Renee Ludeke

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

FARRELL BEALS,
Plaintiff,
V.
SETH ALLEN and
THE TOWN OF THATCHER,
Defendants.

AMENDED JUDGMENT
IN A CIVIL CASE

CASE NUMBER
91-012-GLO-ACM

[ ] Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

[X] Decision by Court. This action came on for consideration before the Court. The issues have been considered and a decision has been rendered.

IT IS ORDER AND ADJUDGED defendant's motion for summary judgment is granted.

Plaintiff's motion for partial summary judgment is denied.

Judgment is entered in favor of the defendants and against the plaintiff.

It is further ordered that Defendants' application for attorney's fees is granted. The defendants are awarded the sum of $6,554.32 as attorney's fees and costs incurred.

March 18, 1991
Date

RICHARD H. WEARE
Clerk

ACM, BEALS,
SURRANO, J/B

/s/ Nancy Lynn
(By) Deputy Clerk,
Nancy Lynn

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FARRELL BEALS,	)	Nos. 91-16818,
	)	92-15724
Plaintiff-Appellant,	)	
	)	D.C. No. CV-
v.	)	91-00012-ACM
	)	
SETH ALLEN; TOWN OF THATCHER,	)	MEMORANDUM*
	)	
	)	
Defendants-Appellees.	)	
	)	

Appeal from the United States
District Court for the District
of Arizona
Alfredo C. Marquez, District Judge,
Presiding

Submitted December 21, 1992**

Before: TANG, NOONAN, and T. G. NELSON,
Circuit Judges.

In appeal no. 91-16818, Farrell Beals appeals pro se the district court's summary judgment in favor of the town of

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. Fed. R. App. P. 34(a); 9th Cir. R. 34-4.

Thatcher, Arizona, and Seth Allen, a town magistrate, in Beals's 42 U.S.C. Sec. 1983 action. Beals contends that the district court erred by granting summary judgment because (1) there were genuine issues of material fact regarding his right to counsel in criminal proceedings before Allen, and (2) the district court did not give him sufficient notice before ruling on the summary judgment motion. Beals also contends that the district court erred by denying him leave to amend his complaint. In companion appeal no. 92-15724, Beals appeals pro se the district court's award of attorney fees to the appellees. In both appeals, we have jurisdiction under 28 U.S.C. Section 1291 and affirm.

I

No. 91-16818

A. Judicial Immunity and Municipal Liability

Beals contends that the district court erred by granting summary judgment because there were genuine issues of material fact regarding the criminal proceedings before Allen. This contention lacks merit.

We review de novo the district court's grant of summary judgment. Alaska Airlines, Inc. v. United Airlines, Inc., 948 F.2d 536, 539 (9th Cir. 1991), cert. denied, 112 S.Ct. 1603 (1992). "We must decide viewing the evidence in the light most favorable to the nonmoving party, whether there are any genuine issues of material fact and whether the district court correctly applied the relevant law." Id.

Judges acting in their judicial capacity are immune from section 1983 liability. New Alaska Dev. Corp. v. Guetschow, 869 F.2d 1298, 1301-02 (9th

Cir. 1989); Ashelman v. Pope, 793 F.2d 1072, 1075 (9th Cir. 1986) (en banc).

Beals was tried before Allen and convicted of driving with a suspended license. Trial proceeded even though Beals did not obtain an attorney after Allen refused to appoint one. Beals claims that Allen and the town of Thatcher denied him his sixth amendment right to counsel because he did not knowingly and intelligently waive counsel. The claim against Allen is based on Allen's actions in his judicial capacity. Accordingly, the district court did not err by granting summary judgment in favor of Allen. See id.

A section 1983 plaintiff may establish the liability of a town or other municipality in three ways. Gillette vs. Delmore, No. 91-35142, slip op. 13385, 13393 (9th Cir. Nov. 10, 1992)

(per curiam). "First, the plaintiff may prove that a [town] employee committed the alleged constitutional violation pursuant to a formal [town] policy or a 'longstanding practice or custom which constitutes the "standard operating procedure" of the [town].'" Id. (quoting Jett v. Dallas Indep. Sch. Dist., 491 U.S. 701, 737 (1989)). Second, the plaintiff may prove that a town official with final policy-making authority committed a constitutional violation Id. Third, the plaintiff may prove that an official with final policy-making authority ratified a subordinate's unconstitutional action. Id. at 13393-94.

In his response to the appellees' summary judgment motion, Beals stated that "[t]he Town Council formulated the policy of denying counsel to criminal defendants." Beals did not, however,

present any evidence to establish the existence of such a policy. Accordingly, the district court did not err by granting summary judgment in favor of the town of Thatcher. See id.

B. Opportunity to Respond to Summary Judgment Motion

Beals contends that the district court did not give him sufficient notice before ruling on the appellees' summary judgment motion. This contention lacks merit.

The nonmoving party is entitled to a "full and fair opportunity to ventilate the issues involved in [a summary judgment motion]." Cool Fuel, Inc. v. Connett, 685 F.2d 309, 312 (9th Cir. 1982). If the nonmoving party has sufficient opportunity to conduct discovery and develop the facts in the case," then this requirement is

satisfied. Intel Corp. v. Hartford Accident & Indemnity Co., 952 F.2d 1551, 1556-57 (9th Cir. 1991). Moreover, Fed. R. Civ. P. 56(f) permits the nonmoving party to move for a continuance if it needs additional discovery time. Id. at 1557.

Beals filed his complaint on January 9, 1991. On August 22, 1991, he filed a summary judgment motion to which he attached an affidavit and other exhibits. The appellees filed their summary judgment motion on August 23. On September 4 the district court set the appellees' motion for oral argument on October 28. Beals filed a response to the appellees' motion on September 16, and the appellees replied on September 23. On October 15 the district court vacated the October 28 hearing date and ruled on the motion.

This record demonstrates that Beals had a full and fair opportunity to develop the facts in the case before the district court granted summary judgment. See Intel Corp., 952 F.2d at 1556-57. The exhibits to Beals's summary judgment motion show that he already had developed evidence before the appellees filed their motion. Moreover, he does not explain what further development could have occurred between October 15 and October 28. Accordingly, the district court did not err by granting summary judgment in favor of appellees.

C. Amendment of Complaint

Beals contends that the district court erred by denying his motion for leave to amend his complaint. This contention lacks merit.

After an answer is filed, a plaintiff may amend the complaint "only

by leave of court or by written consent of the adverse party; and leave shall by freely given when justice so requires." Fed. R. Civ. P. 15(a). We review the district court's denial of leave to amend for an abuse of discretion. Texaco, Inc. v. Ponsoldt, 939 F.2d 794, 798 (9th Cir. 1991).

Here, after the parties had filed their summary judgment motions, Beals moved for leave to amend his complaint to more specifically allege facts regarding the appellees' intent. Because the case already had reached the summary judgment stage, and because Beals did not seek to add new claims, the district court did not abuse its discretion by denying leave to amend. See id.

II
No. 92-15724

Beals contends that the district

court erred by awarding $6,554.32 in attorney fees to appellees. This contention lacks merit.

Under 42 U.S.C. Sec. 1988, the district court has discretion to award attorney fees to prevailing defendant if the action if frivolous, unreasonable, or without foundation. Miller v. Los Angeles County Bd. of Educ., 827 F.2d 617, 619 (9th Cir. 1987). This standard "is applied with particular strictness where the plaintiff proceeds pro se," and the district court should consider the pro se plaintiff's "ability to recognize the merits of his or her claims." Id. at 620.

It is unclear from Beals's filings in district court whether he understood that his claims lacked merit. Nonetheless, as discussed above, the action was without foundation.

Accordingly, the district court did not abuse its discretion by awarding attorney fees to appellees. See id. at 619-20.

III

Attorney Fees on Appeal

Appellees seek attorney fees under 42 U.S.C. Sec. 1988 in both appeals. As the appellees state in their answering brief in appeal no. 91-16818, Beals's pro se arguments on appeal indicate that he does not understand the concept of judicial immunity. According, we decline to award attorney fees on appeal. See id.

AFFIRMED.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

FARRELL BEALS, Plaintiff, v. SETH ALLEN, and THE TOWN OF THATCHER, Defendants.	)	CIV 91-012 GLO-ACM
	)	O R D E R

Defendants have filed an Application for Attorney's Fees after obtaining a Summary Judgment.

The Plaintiff does not object to the hourly rate or the amount of time spent in defending the action claimed in the Petition. Plaintiff's only objection is that the Defendants are not entitled to attorney's fees because "no finality exists for the application to be considered . . . is at best premature." "The defendants would have to demonstrate

that the underlying claim was unreasonable, frivolous or groundless."

The Court has reviewed the application and record and finds that the Defendants are entitled to attorney's fees as set forth in their petition. The Court has also reviewed the hourly rate and the time claimed to have been spent in defending the action and finds that they are reasonable.

IT IS ORDERED that the Defendants' Application for Attorney's Fees is GRANTED. The Defendants are awarded the sum of $6,554.32 as attorney's fees and costs incurred.

DATED this 16th day of March, 1992.

/s/ Alfredo C. Marquez
ALFREDO C. MARQUEZ
Senior Judge

[cc:]
Beals, Surrano
ACM, J/B

CERTIFICATE OF SERVICE

The Petition for Writ of Certiorari that was submitted to U. S. Supreme Court was returned by the Court on May 26, 1993, for addition of an Appendix, and received by Appellee June 7, 1993.

Three copies of Appendix was sent by United States Postal Service, on June 14, 1993, to:

CHARLES J. SURRANO III
SURRANO AND MASSEY
3200 NORTH CENTRAL AVE., SUITE #1260
PHOENIX, ARIZONA 85012

Farrell Beals

Farrell Beals
In Propria Persona
c/o P. O. Box 1
Pima, Arizona 85543

CERTIFICATE OF SERVICE

Three copies of the Petition for Writ of Certiorari that was submitted to the Court on the 18 day of May, 1993, was mailed on the 18 day of May, 1993, by United States Postal Service, to:

CHARLES J. SURRANO III
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3200 NORTH CENTRAL AVE., SUITE #1260
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